

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 629

Introduced by Assembly Member Brownley

February 21, 2007

An act to add Division 120 (commencing with Section 151000) to the Health and Safety Code, relating to sex education funding.

LEGISLATIVE COUNSEL'S DIGEST

AB 629, as amended, Brownley. Sex education programs: requirements.

Existing law establishes requirements for the provision of sex education.

Existing law, the ~~existing~~ California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined.

Existing law enumerates various requirements for comprehensive sexual health education and HIV/AIDS prevention education. Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention and empowers a parent or guardian to excuse his or her pupil from all or part of that instruction.

This bill would enact the Sexual Health Education Accountability Act, which would require, *with certain exceptions*, any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or administered by the state or any state agency, or is funded

directly or indirectly by the state, or receives any financial assistance from state funds or funds administered by the state, ~~including, but not limited to, public schools,~~ to meet specified requirements. ~~By increasing the duties of public schools, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 120 (commencing with Section 151000)
2 is added to the Health and Safety Code, to read:

3
4 DIVISION 120. SEXUAL HEALTH EDUCATION
5 ACCOUNTABILITY ACT
6

7 151000. This division shall be known, and may be cited, as
8 the Sexual Health Education Accountability Act.

9 151001. For purposes of this division, the following definitions
10 shall apply:

11 (a) “Age appropriate” means topics, messages, and teaching
12 methods suitable to particular ages or age groups of children and
13 adolescents, based on developing cognitive, emotional, and
14 behavioral capacity typical for the age or age group.

15 (b) A “sexual health education program” means a program that
16 provides instruction or information to prevent adolescent
17 pregnancy, unintended pregnancy, or sexually transmitted diseases,
18 including HIV, that is conducted, operated, or administered by any
19 state agency, is funded directly or indirectly by the state, or receives
20 any financial assistance from state funds or funds administered by
21 a state agency, *but does not include any program offered by a*
22 *school district, a county superintendent of schools, or a community*
23 *college district.*

(c) “Medically accurate” means verified or supported by research conducted in compliance with scientific methods and published in peer review journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, including, but not limited to, the federal Centers for Disease Control and Prevention, the American Public Health Association, the Society for Adolescent Medicine, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.

151002. (a) Every sexual health education program shall satisfy all of the following requirements:

(1) All information shall be medically accurate, current, and objective.

(2) Individuals providing instruction or information shall know and use the most current scientific data on human sexuality, human development, pregnancy, and sexually transmitted diseases.

(3) The program content shall be age appropriate for its targeted population.

(4) The program shall be culturally and linguistically appropriate for its targeted populations.

(5) The program shall not teach or promote religious doctrine.

(6) The program shall not reflect or promote bias against any person on the basis of disability, gender, nationality, race or ethnicity, religion, or sexual orientation, as defined in Section 422.56 of the Penal Code.

(7) The program shall provide information about the effectiveness and safety of at least one or more drug or device approved by the federal Food and Drug Administration for preventing pregnancy and for reducing the risk of contracting sexually transmitted diseases.

(b) A sexual health education program that is directed at minors shall comply with all of the criteria in subdivision (a) and shall also comply with both the following requirements:

(1) It shall include information that the only certain way to prevent pregnancy is to abstain from sexual intercourse, and that the only certain way to prevent sexually transmitted diseases is to abstain from activities that have been proven to transmit sexually transmitted diseases.

(2) If the program is directed toward minors under the age of 12 years, it may, but is not required to, include information otherwise required pursuant to paragraph (7) of subdivision (a).

(c) A sexual health education program conducted *by an outside agency* at a publicly funded school shall comply with the requirements of Section 51934 of the Education Code if the program addresses HIV/AIDS and shall comply with Section 51933 of the Education Code if the program addresses pregnancy prevention and sexually transmitted diseases other than HIV/AIDS.

(d) An applicant for funds to administer a sexual health education program shall attest in writing that its program complies with all conditions of funding, including those enumerated in this section. A publicly funded school receiving only general funds to provide comprehensive sexual health instruction or HIV/AIDS prevention instruction shall not be deemed an applicant for the purposes of this subdivision.

(e) If the program is conducted *by an outside agency* at a publicly funded school, the applicant shall indicate in writing how the program fits in with the school's plan to comply fully with the requirements of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, Chapter 5.6 (commencing with Section 51930) of the Education Code. Notwithstanding Section 47610 of the Education Code, "publicly funded school" includes a charter school for the purposes of this subdivision.

(f) Monitoring of compliance with this division shall be integrated into the grant monitoring and compliance procedures. If the agency knows that a grantee is not in compliance with this section, the agency shall terminate the contract or take other appropriate action.

(g) This section shall not be construed to limit the requirements of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (Chapter 5.6 (commencing with Section 51930) of Part 28 of the Education Code).

(h) This section shall not apply to one-on-one interactions between a health practitioner and his or her patient in a clinical setting.

~~151003. This division shall apply only to grants that are funded pursuant to contracts entered into or amended on or after January 1, 2008.~~

1 ~~SEC. 2.—If the Commission on State Mandates determines that~~
2 ~~this act contains costs mandated by the state, reimbursement to~~
3 ~~local agencies and school districts for those costs shall be made~~
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
5 ~~4 of Title 2 of the Government Code.~~

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